

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SHAWN STANFORD,)	
)	Case No. 3:22-cv-113
Plaintiff,)	
)	JUDGE KIM R. GIBSON
v.)	
)	
ALFRED SHAUKRY, M.D., and)	
PRESBYTERIAN HOSPITAL)	
)	
Defendants.)	

MEMORANDUM ORDER

This matter is before Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72. On February 1, 2023, pro se plaintiff Shawn Stanford ("Plaintiff") filed a complaint against Dr. Alfred Shaukry and Presbyterian Hospital, asserting an Eighth Amendment claim relating to injuries Plaintiff suffered while incarcerated at Pennsylvania's State Correctional Institution at Laurel Highlands. (ECF No. 7).¹

On February 10, 2023, Magistrate Judge Pesto issued a Report and Recommendation ("R&R") sua sponte, recommending that the Court dismiss Plaintiff's complaint for failure to state a claim. (ECF No. 8). In it, the Magistrate Judge notified Plaintiff that, pursuant to 28 U.S.C. § 636(b)(1), he would have fourteen days to file written objections. (*Id.* at 4). Because Plaintiff is a non-registered ECF user, he had until February 27, 2023, to file objections. (*See generally id.*).

¹ The Court notes that Plaintiff had originally attempted to file his complaint on July 7, 2022, along with his motion for leave to proceed in forma pauperis. (ECF No. 1). However, because the Court did not grant Plaintiff's motion at ECF No. 1 until February 1, 2023, (ECF No. 6), it was not until that date that Plaintiff's complaint was deemed filed. (ECF No. 7).

Neither party filed written objections, timely or otherwise. Therefore, the Court need give only “reasoned consideration” to the R&R by “afford[ing] some level of review to dispositive legal issues raised by the report[.]” *EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017).

Upon reasoned consideration of the record and Magistrate Judge Pesto’s R&R at ECF No. 8, the following order is entered:

AND NOW, this 23rd day of March, 2023, it is **HEREBY ORDERED** that Magistrate Judge Pesto’s R&R at ECF No. 8 is adopted as the Opinion of the Court for its reasoning and conclusion.

IT IS FURTHER ORDERED that Plaintiff’s complaint at ECF No. 7 is **DISMISSED WITHOUT PREJUDICE**.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON

UNITED STATES DISTRICT JUDGE